

EXHIBIT A TO THE DECLARATION OF SUZANNE M. MESSER

Messer, Suzanne

From: Daniel J. Kurowski <dank@hbsslaw.com>
Sent: Wednesday, May 25, 2022 2:00 PM
To: Messer, Suzanne; Campbell, Stephanie
Cc: jmarchese@bursor.com; emdrake@bm.net; aobergfell@bursor.com; enoteware@bm.net; jhashmall@bm.net; swestcot@bursor.com; akiener@bm.net; Steve Berman
Subject: RE: Activity in Case 2:20-cv-01999-GRB-ARL Stellato v. Hofstra University Order

External Email: Use caution before clicking links or opening attachments.

Yes, the Court has jurisdiction over the parties under 28 USC sections 1332(a)(1) and 1367, foreclosing the need to look to CAFA (including any home state exemption).

Daniel J. Kurowski | **Hagens Berman Sobol Shapiro LLP** | Direct: (708) 628-4963

From: Messer, Suzanne <messers@bsk.com>
Sent: Wednesday, May 25, 2022 12:57 PM
To: Daniel J. Kurowski <dank@hbsslaw.com>; Campbell, Stephanie <campbes@bsk.com>
Cc: jmarchese@bursor.com; emdrake@bm.net; aobergfell@bursor.com; enoteware@bm.net; jhashmall@bm.net; swestcot@bursor.com; akiener@bm.net; Steve Berman <Steve@hbsslaw.com>
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That is fine, Dan. However, in order to ensure the briefing is helpful to the Court, please share the basis for your position. You mentioned on our call last week your position that the diversity of one plaintiff from the defendant allows for jurisdiction (I think). Can you please clarify?

Thanks.

Suzanne

Suzanne Messer
smesser@bsk.com
315.218.8628 Direct

From: Daniel J. Kurowski <dank@hbsslaw.com>
Sent: Wednesday, May 25, 2022 1:25 PM
To: Messer, Suzanne <messers@bsk.com>; Campbell, Stephanie <campbes@bsk.com>
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Thank you Suzanne. We disagree that dismissal for lack of subject matter jurisdiction would be appropriate here. Logistically, we'd propose that the parties file respective supplemental briefs as opposed to a joint letter.

Please confirm this works for your team or any alternate proposals you might have.

Thanks again,

Dan

Daniel J. Kurowski | **Hagens Berman Sobol Shapiro LLP** | Direct: (708) 628-4963

From: Messer, Suzanne <messers@bsk.com>

Sent: Tuesday, May 24, 2022 2:55 PM

To: Daniel J. Kurowski <dank@hbsslaw.com>; Campbell, Stephanie <campbes@bsk.com>

Cc: jmarchese@bursor.com; emdrake@bm.net; aobergfell@bursor.com; enoteware@bm.net; jhashmall@bm.net; swestcot@bursor.com; akiener@bm.net; Steve Berman <Steve@hbsslaw.com>

Subject: RE: Activity in Case 2:20-cv-01999-GRB-ARL Stellato v. Hofstra University Order

Counselors,

This is in response to the Court's Text Order of May 12, 2022, in which the Court directed the parties to "meet and confer and discuss how, if at all, the mandatory home state exemption to the Class Action Fairness Act, 28 U.S.C. § 1332(d)(4)(B), affects this matter."

According to Hofstra records concerning enrollment during the Spring 2020 semester, we provide the following:

Hofstra Law Students:

Total Number of Law Students Enrolled: 782

Number of Law Students with a New York address: 636

Undergraduate Students:

Total Number of Undergraduate Students Enrolled: 6,039

Number of Undergraduate Students with a New York address: 3,692

Graduate Students:

Total Number of Graduate Students Enrolled: 2,860

Number of Graduate Students with a New York address: 2,452

In the Consolidated Amended Complaint, you have alleged the class to include "[a]ll persons who paid, on behalf of themselves or another, tuition and fees for on-campus programs at Hofstra University for the Spring 2020 semester." Based upon the data provided above, more than 2/3 of this alleged class resides within New York. It is our position that the action is subject to dismissal for lack of subject matter jurisdiction.

It is further our position that the inclusion of Graduate students in the alleged class is inappropriate because none of the Named Plaintiffs were enrolled as Graduate students during the Spring 2020 semester. In the event the class definition that you allege is understood to be limited to students enrolled as Undergraduate students and law students, less than 2/3 of such a class resides within New York.

Suzanne

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